

REMARKS

Claims 1-18 are pending in the application and claims 1-5, 7 and 10 stand rejected.

Rejection under 35 U.S.C §112

Claim 10 stands rejected under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner finds that the claim does not recite the step process for the claimed method. Applicant has amended claim 10 as shown hereinabove and respectfully submits that this rejection is moot in view of this amendment.

Rejection under 35 U.S.C §102

Claims 1-5 and 7 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,539,425 to Stevens et al. In particular, the Examiner appears to find that with regard to claim 1, Steven discloses all of the claimed limitations. Applicant has attempted to understand the Examiner's rejection but the Examiner has made not one single direct connection between a claimed limitation and an element disclosed in Stevens, but rather – as seems to be this Examiner's *modus operandi* (as also displayed in, e.g., the latest Action issued by this Examiner in 10/080,476) - has provided a discussion of what Stevens allegedly discloses. Upon closer inspection, however, it became very clear that the Examiner did nothing beyond copy the block of text from col. 13 line 54 to col. 14 line 15 of Stevens – thus the Examiner's substantiation of his rejection of claim 1 consists of nothing beyond a verbatim copy of claim 1 followed by a **bold** verbatim copy of col. 13 l. 54 – col. 14 l. 15 of Stevens. To say that this “discussion” is inadequate is the understatement of the new year, and Applicant thus submits that the Examiner's rejection is in clear and complete violation of the unambiguous requirements of 37 C.F.R. §1.104(c)(2) that “the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by Applicant, **the particular part relied on must be designated as nearly as practicable.** The pertinence, if not apparent, must be clearly explained and each rejected claim specified.”

Given the complete lack of specificity on the Examiner's part, the Applicant in all good faith can do no more to reply than to provide what guidance he can to aid the Examiner in his quest to meet the requirements of 37 C.F.R. §1.104(c)(2):

- (1) What exact element in Stevens does the Examiner allege to correspond to the presently claimed assessor computing device?
- (2) What exact element in Stevens does the Examiner allege to correspond to the presently claimed first computing device?
- (3) What exact element in Stevens does the Examiner allege to correspond to the presently claimed second computing device?
- (4) What exact element in Stevens does the Examiner allege to correspond to the presently claimed report received from, and pertaining to the trustworthiness of, a first computing device?
- (5) What exact element in Stevens does the Examiner allege to correspond to the presently claimed trust policy of a second computing device?
- (6) What exact action in Stevens does the Examiner allege to correspond to the presently claimed assessor computing device updating via the network the trust policy of a second computing device in accordance with the report?

Absent the Examiner answering each of the above questions, Applicant cannot possibly provide a reasoned reply without essentially guessing at the Examiner's interpretation of Stevens and then arguing against that guess – an unfair and unreasonable burden on Applicant.

For the sake of furthering prosecution along, Applicant does note that the essence of the invention of claim 1 is that one computing device (the assessor) receives a report from another computing device about the trustworthiness of that selfsame device (first device) and then updates a trust policy of yet another computing device (the second device) in accordance with the trustworthiness report received from the first device. The updating of policy information described in the block of text copied by the Examiner is described as consisting of a network device updating its own policy and possibly the policies of other, peer/colleague devices. Applicant further notes that the policies discussed by Stevens have nothing to do with

trustworthiness of individual computing devices on the network but rather are directed exclusively to network configuration policies – this is made beyond clear all throughout Stevens, from the abstract all the way through the claims.

In view of the above, Applicant submits that all pending claims are novel and nonobvious over the cited art, and respectfully requests the Examiner to kindly reconsider and pass all claims to issue. Should the Examiner insist that Stevens anticipates claims 1-5 and 7, Applicant respectfully requests that the Examiner provide another non-final Action clearly detailing which element or action of Stevens anticipates each and every limitation of claims 1-5 and 7.

Regarding the prior art made of record by the Examiner but not relied upon, Applicant believes that this art does not render the pending claims unpatentable.

In view of the above, Applicant submits that the application is now in condition for allowance and respectfully urges the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 08-2025. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 08-2025.

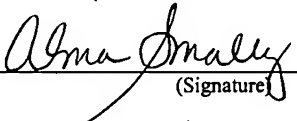
I hereby certify that this correspondence is being deposited with the United States Post Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

February 2, 2007

(Date of Transmission)

Alma Smalling

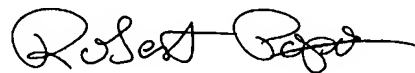
(Name of Person Transmitting)


(Signature)

2/2/07

(Date)

Respectfully submitted,



Robert Popa

Attorney for Applicants

Reg. No. 43,010

LADAS & PARRY

5670 Wilshire Boulevard, Suite 2100

Los Angeles, California 90036

(323) 934-2300 voice

(323) 934-0202 facsimile

rpopa@ladasperry.com